

# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** 200600039-TCD

**Comment Period:** April 10 through May 11, 2006

**Project Manager:** Terry Dean (858) 674-5386 [terrence.dean@usace.army.mil](mailto:terrence.dean@usace.army.mil)

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**Applicant**

Ms. Kathy Olson  
Orix Pacific Escondido LLC  
100 N. Riverside Plaza  
Suite 1400  
Chicago, Illinois 60606

**Contact**

Ms. Catherine McGregor  
REC Consultants, Inc.  
2442 2<sup>nd</sup> Avenue  
San Diego, California 92101

**Location**

in wetlands adjacent to a tributary to the San Marcos Creek in Escondido, San Diego County, California  
(lat:33-7-49.4400; long:117-7-45.1200)

**Activity**

To grade and fill approximately 0.55 acre of disturbed nontidal wetlands for the construction of a proposed light industrial park on a 5.0-acre site. The project will include 16 buildings with associated roads, parking, storage areas, and utilities. The proposed construction will result in the displacement of the two existing wetland areas which are adjacent to an unnamed tributary to San Marcos Creek, at 2351 Meyers Avenue, in Escondido, San Diego County, California. (See attached drawings). For more information see page 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch - San Diego Field Office  
ATTN: CESPL-CO-R-200600039-TCD  
16885 W. Bernardo Drive, Suite 300-A  
San Diego, California 92127

Alternatively, comments can be sent electronically to: [terrence.dean@usace.army.mil](mailto:terrence.dean@usace.army.mil), or faxed to Mr. Terry Dean at (858) 674-5388

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality**- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**Coastal Zone Management**- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. No historical, cultural, or archaeological resources have been identified in the project area based upon a site visit and a review of the City's historic surveys. No impacts to known archaeological resources would occur. No unique paleontological resources are known to occur on-site. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

**Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is development.

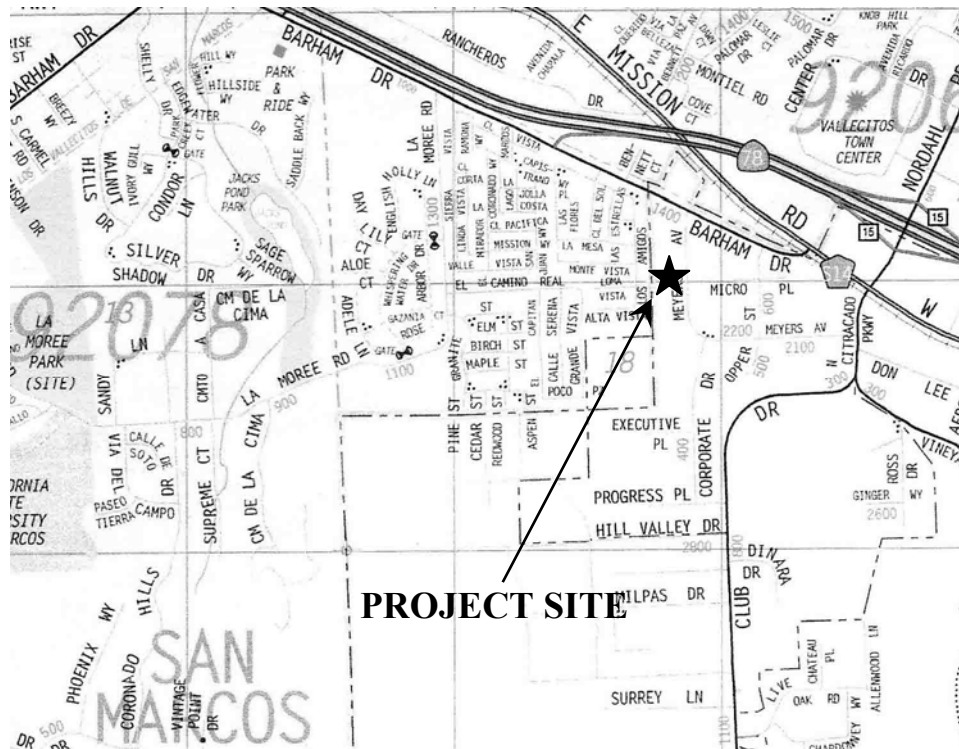
**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to construct a light industrial development in northern San Diego County.

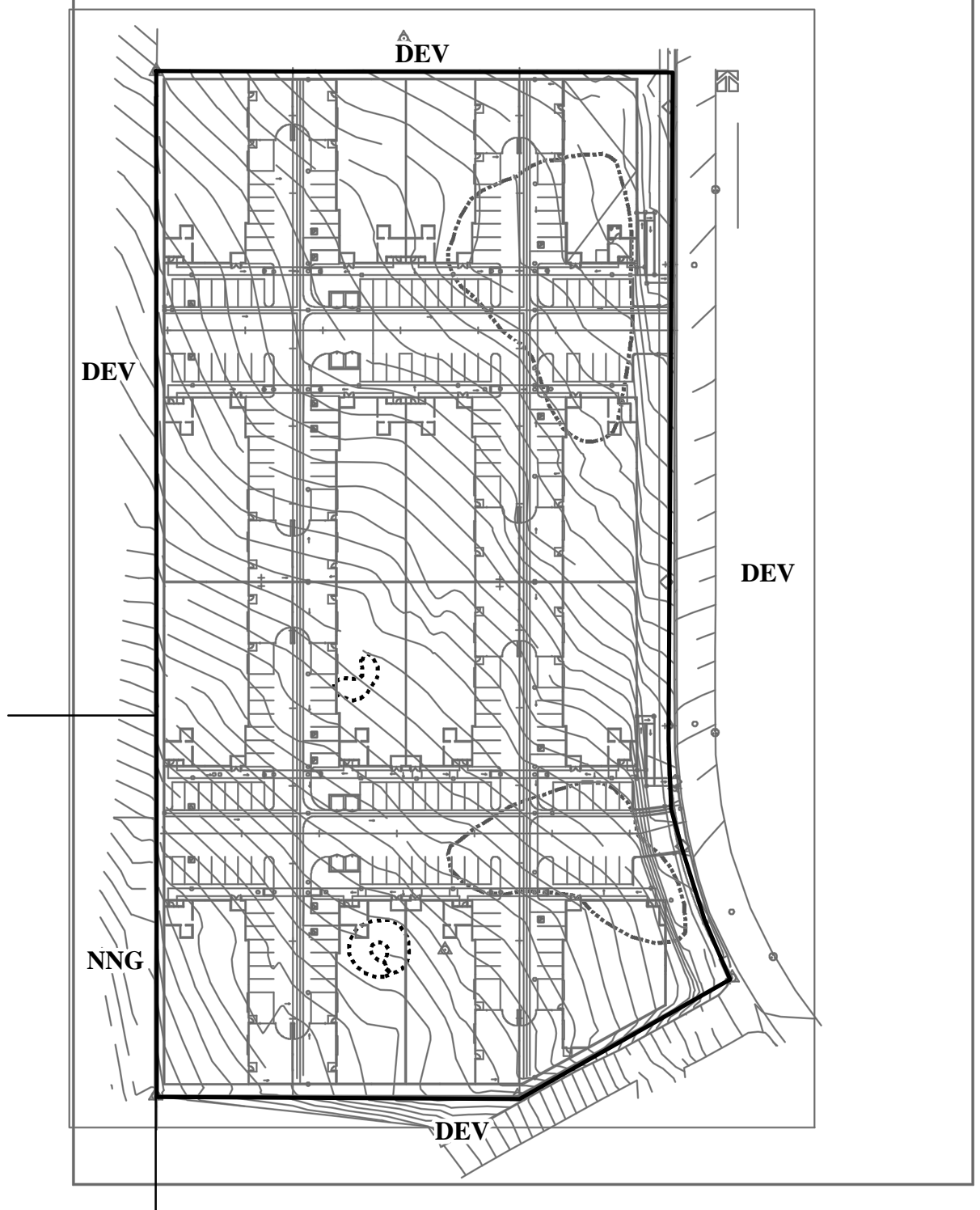
**Additional Project Information**

Two depressional areas currently existing on the vacant site total approximately 0.55 acre of disturbed nontidal wetlands within Corps jurisdiction. The wetlands flood seasonally and are hydrologically connected via storm drain and road gutter to San Marcos Creek. Since the entire jurisdictional area on-site will be displaced by the proposed project, and the total area of the two wetland areas is greater than 1/2 acre, the applicants are unable to qualify for Nationwide or other General permit for the project as proposed.

**Proposed Special Conditions -** None at this time.


For additional information please call Mr. Terry Dean of my staff at (858) 674-5386. This public notice is issued by the Chief, Regulatory Branch.






### LEGEND



 Property Boundary

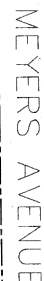
 Non-native Grassland (NNG)

 Disturbed Wetland (DW)

 Diegan Coastal Sage Scrub (CSS)

 Developed (DEV)

0 50 100 200  
Feet  
1 inch equals 100 feet



- GENERAL PLANTING NOTES**

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